

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 26017

IN THE SUPREME COURT OF THE STATE OF HAWAII

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AFL HOTEL & RESTAURANT WORKERS HEALTH & WELFARE TRUST FUND, by  
its Trustees, Cherlyn Logan, Malcolm Sur, Nona Tamanaha, Eric  
Gill, Gilbert Farias, and Hernando Tan, Plaintiffs-Appellants

vs.

ELMER BOSQUE, Defendant-Appellee  
(S.C. No. 26017)

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AFL HOTEL & RESTAURANT WORKERS HEALTH & WELFARE TRUST FUND, by  
its Trustees, Cherlyn Logan, Malcolm Sur, Nona Tamanaha, Eric  
Gill, Gilbert Farias, and Hernando Tan, Plaintiffs-Appellants

vs.

ELMER BOSQUE, Defendant-Appellee  
(S.C. No. 26100)

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NO. 03-1-0264)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that we do not have jurisdiction over Plaintiff-Appellant AFL Hotel & Restaurant Workers Health & Welfare Trust Fund's consolidated appeals from the Honorable Kenneth E. Enright's August 6, 2003 "Order Granting Defendant's Motion to Dismiss Complaint" and September 15, 2003 "Order Mooting Plaintiffs' Motion for Summary Judgment on All Counts" in Civil No. 03-1-0264-02 (DDD). Pursuant to the separate document rule under Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP), "[a]n appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant

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to HRCF [Rule] 58[.]” Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). When a circuit court dismisses claims by a court order, the HRCF Rule 58 separate document rule requires the circuit court to reduce the dismissal order to a separate judgment. See, e.g., Price v. Obayashi Hawaii Corporation, 81 Hawai'i 171, 176, 914 P.2d 1364, 1369 (1996) (“Although RCCH [Rule] 12(q) [(regarding dismissal for want of prosecution)] does not mention the necessity of filing a separate document, HRCF [Rule] 58, as amended in 1990, expressly requires that ‘every judgment be set forth on a separate document.’”); CRSC, Inc. v. Sage Diamond Co., Inc., 95 Hawai'i 301, 306, 22 P.3d 97, 102 (App. 2001) (“[W]here all claims are dismissed and there is no relevant HRCF Rule 54(b) certification as to one or more but not all of the dismissals, there must be one final order (judgment) dismissing all claims against all parties.”). The circuit court has not reduced the appealed orders to a separate judgment pursuant to HRCF Rule 58. Therefore, these consolidated appeals are premature, and we lack appellate jurisdiction. Accordingly,

IT IS HEREBY ORDERED that these consolidated appeals are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, January 7, 2004.